

## Subtitle II—Voting Assistance and Election Administration

### CHAPTER 201—VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED

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#### § 20101. Congressional declaration of purpose

It is the intention of Congress in enacting this chapter to promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.

(Pub. L. 98-435, §2, Sept. 28, 1984, 98 Stat. 1678.)

#### CODIFICATION

Section was formerly classified to section 1973ee of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### EFFECTIVE DATE

Pub. L. 98-435, §9, Sept. 28, 1984, 98 Stat. 1680, provided that: "This Act [enacting this chapter] shall apply with respect to elections taking place after December 31, 1985."

#### § 20102. Selection of polling facilities

##### (a) Accessibility to all polling places as responsibility of each political subdivision

Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

##### (b) Exception

Subsection (a) shall not apply to a polling place—

(1) in the case of an emergency, as determined by the chief election officer of the State; or

(2) if the chief election officer of the State—

(A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)—

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

##### (c) Report to Federal Election Commission

(1) Not later than December 31 of each even-numbered year, the chief election officer of each State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inac-

cessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

(2) Not later than April 30 of each odd-numbered year, the Federal Election Commission shall compile the information reported under paragraph (1) and shall transmit that information to the Congress.

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on September 28, 1984.

(Pub. L. 98-435, §3, Sept. 28, 1984, 98 Stat. 1678.)

#### CODIFICATION

Section was formerly classified to section 1973ee-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 20103. Selection of registration facilities

(a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.

(b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

(Pub. L. 98-435, §4, Sept. 28, 1984, 98 Stat. 1679.)

#### CODIFICATION

Section was formerly classified to section 1973ee-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 20104. Registration and voting aids

##### (a) Printed instructions; telecommunications devices for the deaf

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including—

(1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and

(2) information by telecommunications devices for the deaf.

##### (b) Medical certification

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law—

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

##### (c) Notice of availability of aids

The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under section 10508 of this title, and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

(Pub. L. 98-435, §5, Sept. 28, 1984, 98 Stat. 1679.)

#### CODIFICATION

Section was formerly classified to section 1973ee-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20105. Enforcement****(a) Action for declaratory or injunctive relief**

If a State or political subdivision does not comply with this chapter, the United States Attorney General or a person who is personally aggrieved by the noncompliance may bring an action for declaratory or injunctive relief in the appropriate district court.

**(b) Prerequisite notice of noncompliance**

An action may be brought under this section only if the plaintiff notifies the chief election officer of the State of the noncompliance and a period of 45 days has elapsed since the date of notification.

**(c) Attorney fees**

Notwithstanding any other provision of law, no award of attorney fees may be made with respect to an action under this section, except in any action brought to enforce the original judgment of the court.

(Pub. L. 98-435, § 6, Sept. 28, 1984, 98 Stat. 1679.)

## CODIFICATION

Section was formerly classified to section 1973ee-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20106. Relationship to Voting Rights Act of 1965**

This chapter shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(Pub. L. 98-435, § 7, Sept. 28, 1984, 98 Stat. 1679.)

## REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in text, is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 1973ee-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20107. Definitions**

As used in this chapter, the term—

(1) “accessible” means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved;

(2) “elderly” means 65 years of age or older;

(3) “Federal election” means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) “handicapped” means having a temporary or permanent physical disability; and

(5) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession<sup>1</sup> of the United States.

(Pub. L. 98-435, § 8, Sept. 28, 1984, 98 Stat. 1679.)

<sup>1</sup> So in original. Probably should be “possession”.

## CODIFICATION

Section was formerly classified to section 1973ee-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**CHAPTER 203—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE**

Sec.	
20301.	Federal responsibilities.
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20304.	Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
20305.	Federal Voting Assistance Program Improvements.
20306.	Prohibition of refusal of applications on grounds of early submission.
20307.	Enforcement.
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## PRIOR PROVISIONS

Provisions similar to this chapter were contained in subchapters I-D and I-E (1973cc et seq. and 1973dd et seq.) of chapter 20 of title 42 prior to repeal by Pub. L. 99-410 and then in subchapter I-G (1973ff et seq.) of chapter 20 of title 42 prior to editorial reclassification and renumbering as this chapter.

**§ 20301. Federal responsibilities****(a) Presidential designee**

The President shall designate the head of an executive department to have primary responsibility for Federal functions under this chapter.

**(b) Duties of Presidential designee**

The Presidential designee shall—

(1) consult State and local election officials in carrying out this chapter, and ensure that such officials are aware of the requirements of this Act;

(2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as required under section 20302(a)(4) of this title;

(3) carry out section 20303 of this title with respect to the Federal write-in absentee ballot for absent uniformed services voters and overseas voters in general elections for Federal office;

(4) prescribe a suggested design for absentee ballot mailing envelopes;

(5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions;

(6) not later than the end of each year after a Presidential election year, transmit to the President and the Congress a report on the effectiveness of assistance under this chapter, including a statistical analysis of uniformed services voter participation, a separate statistical analysis of overseas nonmilitary partici-

pation, and a description of State-Federal cooperation;

(7) prescribe a standard oath for use with any document under this chapter affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury;

(8) carry out section 20304 of this title with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office;

(9) to the greatest extent practicable, take such actions as may be necessary—

(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee;

(10) carry out section 20305 of this title with respect to Federal Voting Assistance Program Improvements; and

(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

(A) for States to report data on the number of absentee ballots transmitted and received under section 20302(c) of this title and such other data as the Presidential designee determines appropriate; and

(B) for the Presidential designee to store the data reported.

### **(c) Duties of other Federal officials**

#### **(1) In general**

The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this chapter.

#### **(2) Administrator of General Services**

As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b)) and Federal write-in absentee ballots (prescribed under section 20303 of this title).

### **(d) Authorization of appropriations for carrying out Federal Voting Assistance Program Improvements**

There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).

(Pub. L. 99-410, title I, §101, Aug. 28, 1986, 100 Stat. 924; Pub. L. 105-277, div. G, title XXII, §2219(c), Oct. 21, 1998, 112 Stat. 2681-817; Pub. L. 107-107, div. A, title XVI, §1606(a)(2), Dec. 28, 2001, 115 Stat. 1279; Pub. L. 107-252, title VII, §705(a), (b)(1), (c), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub. L. 108-375, div. A, title V, §566(a), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111-84, div. A, title V, §§580(b), (e), 583(a)(2), 584(a), 585(b)(1), Oct. 28, 2009, 123 Stat. 2325, 2328, 2330, 2331; Pub. L.

111-383, div. A, title X, §1075(d)(4), (5), Jan. 7, 2011, 124 Stat. 4372.)

#### **REFERENCES IN TEXT**

This Act, referred to in subsec. (b)(1), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, known as the Uniformed and Overseas Citizens Absentee Voting Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

#### **CODIFICATION**

Section was formerly classified to section 1973ff of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

#### **AMENDMENTS**

2011—Subsec. (b)(2), (4), (11). Pub. L. 111-383, §1075(d)(4), (5), amended Pub. L. 111-84, §§584(a), 585(b)(1). See 2009 Amendment notes below.

2009—Subsec. (b)(2). Pub. L. 111-84, §585(b)(1)(A), as added by Pub. L. 111-383, §1075(d)(5), substituted “section 1973ff-1(a)(4)” for “section 1973ff-1(4)”.

Subsec. (b)(4). Pub. L. 111-84, §585(b)(1)(B), as added by Pub. L. 111-383, §1075(d)(5), added par. (4) and struck out former par. (4) which read as follows: “prescribe a suggested design for absentee ballot mailing envelopes for use by the States as recommended in section 1973ff-3 of this title;”.

Subsec. (b)(8). Pub. L. 111-84, §580(b), added par. (8).

Subsec. (b)(9). Pub. L. 111-84, §580(e), added par. (9).

Subsec. (b)(10). Pub. L. 111-84, §583(a)(2)(A), added par. (10).

Subsec. (b)(11). Pub. L. 111-84, §584(a), as amended by Pub. L. 111-383, §1075(d)(4), added par. (11).

Subsec. (d). Pub. L. 111-84, §583(a)(2)(B), added subsec. (d).

2004—Subsec. (b)(3). Pub. L. 108-375 substituted “absent uniformed services voters and overseas voters” for “overseas voters”.

2002—Subsec. (b)(1). Pub. L. 107-252, §705(a), inserted “, and ensure that such officials are aware of the requirements of this Act” before semicolon at end.

Subsec. (b)(6). Pub. L. 107-252, §705(c), substituted “a separate statistical analysis” for “a general assessment”.

Subsec. (b)(7). Pub. L. 107-252, §705(b)(1), added par. (7).

2001—Subsec. (b)(2). Pub. L. 107-107 substituted “as required under section 1973ff-1(4) of this title” for “as recommended in section 1973ff-3 of this title”.

1998—Subsec. (b)(6). Pub. L. 105-277 substituted “of uniformed services voter participation, a general assessment of overseas nonmilitary participation,” for “of voter participation”.

#### **EFFECTIVE DATE OF 2011 AMENDMENT**

Pub. L. 111-383, div. A, title X, §1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(4), (5) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111-84 as enacted.

#### **EFFECTIVE DATE OF 2009 AMENDMENT**

Pub. L. 111-84, div. A, title V, §580(f), Oct. 28, 2009, 123 Stat. 2326, provided that: “The amendments made by this section [enacting section 20304 of this title and amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111-84, div. A, title V, §583(a)(3), Oct. 28, 2009, 123 Stat. 2328, provided that: “The amendments made by this subsection [enacting section 20305 of this title and amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111–84, div. A, title V, § 584(c), Oct. 28, 2009, 123 Stat. 2331, provided that: “The amendments made by this section [amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

#### EFFECTIVE DATE

Pub. L. 99–410, title II, § 204, Aug. 28, 1986, 100 Stat. 930, provided that: “The amendments and repeals made by this Act [see Tables for classification] shall apply with respect to elections taking place after December 31, 1987.”

#### SENSE OF CONGRESS REGARDING THE IMPORTANCE OF VOTING

Pub. L. 107–107, div. A, title XVI, § 1601, Dec. 28, 2001, 115 Stat. 1274, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that each person who is an administrator of a Federal, State, or local election—

“(1) should be aware of the importance of the ability of each uniformed services voter to exercise the right to vote; and

“(2) should perform that person’s duties as an election administrator with the intent to ensure that—

“(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

“(B) each valid ballot cast by such a voter is duly counted; and

“(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and to have that vote counted.

“(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘uniformed services voter’ means—

“(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

“(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) [now 52 U.S.C. 20310]); and

“(3) a spouse or dependent of a member referred to in paragraph (1) or (2) who is qualified to vote.”

#### ELECTRONIC VOTING DEMONSTRATION PROJECT

Pub. L. 107–107, div. A, title XVI, § 1604, Dec. 28, 2001, 115 Stat. 1277, as amended by Pub. L. 108–375, div. A, title V, § 567, Oct. 28, 2004, 118 Stat. 1919, which established a demonstration project under which absent uniformed services voters were permitted to vote in the November 2002 general election for Federal office through an electronic voting system, was repealed by Pub. L. 113–291, div. A, title V, § 593, Dec. 19, 2014, 128 Stat. 3395.

#### GOVERNORS’ REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS FOR CHANGES IN STATE LAW MADE UNDER FEDERAL VOTING ASSISTANCE PROGRAM

Pub. L. 107–107, div. A, title XVI, § 1605, Dec. 28, 2001, 115 Stat. 1277, required the chief executive authority of a State to provide an implementation status report to the Secretary of Defense, acting as the Presidential designee, within 90 days of receiving a uniformed services voting assistance legislative recommendation from the Secretary of Defense and was applicable to any uniformed services voting assistance legislative recommendation transmitted to a state during the three-year period beginning on Dec. 28, 2001.

#### EX. ORD. NO. 12642. DESIGNATION OF SECRETARY OF DEFENSE AS PRESIDENTIAL DESIGNEE

Ex. Ord. No. 12642, June 8, 1988, 53 F.R. 21975, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and

Overseas Citizens Absentee Voting Act (Public Law 99–410) (“the Act”) [52 U.S.C. 20301(a)], it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated as the “Presidential designee” under Title I of the Act [52 U.S.C. 20301 et seq.].

SEC. 2. In order to effectuate the purposes of the Act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

RONALD REAGAN.

#### § 20302. State responsibilities

##### (a) In general

Each State shall—

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 20303 of this title) in general elections for Federal office;

(4) use the official post card form (prescribed under section 20301 of this title) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this chapter, use the standard oath prescribed by the Presidential designee under section 20301(b)(7) of this title;

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail

and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case in which the request is received less than 45 days before an election for Federal office—

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner<sup>1</sup> that gives them sufficient time to vote in the runoff election;

(10) carry out section 20304(b)(1) of this title with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under subsection (c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 20301(b)(11) of this title.

**(b) Designation of single State office to provide information on registration and absentee ballot procedures for all voters in State**

**(1) In general**

Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

**(2) Recommendation regarding use of office to accept and process materials**

Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

**(c) Report on number of absentee ballots transmitted and received**

Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002 [52 U.S.C. 20901 et seq.]) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.

**(d) Registration notification**

With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.

**(e) Designation of means of electronic communication for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications, and for other purposes related to voting information**

**(1) In general**

Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

**(2) Clarification regarding provision of multiple means of electronic communication**

A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

**(3) Inclusion of designated means of electronic communication with informational and instructional materials that accompany balloting materials**

Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

<sup>1</sup> So in original. Probably should be "in a manner".

**(4) Availability and maintenance of online repository of State contact information**

The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

**(5) Transmission if no preference indicated**

In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

**(6) Security and privacy protections**

**(A) Security protections**

To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

**(B) Privacy protections**

To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.

**(f) Transmission of blank absentee ballots by mail and electronically**

**(1) In general**

Each State shall establish procedures—

(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

**(2) Transmission if no preference indicated**

In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

**(3) Security and privacy protections**

**(A) Security protections**

To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

**(B) Privacy protections**

To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.

**(g) Hardship exemption**

**(1) In general**

If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

**(2) Approval of waiver request**

After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presi-

dential designee determines each of the following requirements are met:

(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

(B) One or more of the following issues creates an undue hardship for the State:

(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

(ii) The State has suffered a delay in generating ballots due to a legal contest.

(iii) The State Constitution prohibits the State from complying with such subsection.

### (3) Timing of waiver

#### (A) In general

Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

#### (B) Exception

If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

### (4) Application of waiver

A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.

### (h) Tracking marked ballots

The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.

### (i) Prohibiting refusal to accept applications for failure to meet certain requirements

A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under sec-

tion 20301 of this title) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

(1) Notarization requirements.

(2) Restrictions on paper type, including weight and size.

(3) Restrictions on envelope type, including weight and size.

(Pub. L. 99-410, title I, § 102, Aug. 28, 1986, 100 Stat. 925; Pub. L. 107-107, div. A, title XVI, § 1606(a)(1), Dec. 28, 2001, 115 Stat. 1278; Pub. L. 107-252, title VII, §§ 702, 703(a), 705(b)(2), 707, Oct. 29, 2002, 116 Stat. 1723-1725; Pub. L. 108-375, div. A, title V, § 566(b), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111-84, div. A, title V, §§ 577(a), 578(a), 579(a), (b), 580(c), (d), 582(a), 584(b), Oct. 28, 2009, 123 Stat. 2319, 2321-2323, 2325, 2327, 2330.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, known as the Uniformed and Overseas Citizens Absentee Voting Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

The Help America Vote Act of 2002, referred to in subsec. (c), is Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, which is classified principally to chapter 209 (§ 20901 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 1973ff-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Pub. L. 111-84, §§ 577(a)(1), 578(a)(1), 579(a)(1), (b), 580(c), and 584(b), added pars. (6) to (11), respectively, to subsec. (a) of this section. In making the addition of par. (9) to subsec. (a), section 579(b)(1) of Pub. L. 111-84 directed the striking out of "and" at the end of par. (7), which could not be executed because the word "and" did not appear at the end.

#### AMENDMENTS

2009—Subsec. (a)(6). Pub. L. 111-84, § 577(a)(1), added par. (6).

Subsec. (a)(7). Pub. L. 111-84, § 578(a)(1), added par. (7).

Subsec. (a)(8). Pub. L. 111-84, § 579(a)(1), added par. (8).

Subsec. (a)(9). Pub. L. 111-84, § 579(b), added par. (9).

See Codification note above.

Subsec. (a)(10). Pub. L. 111-84, § 580(c), added par. (10).

Subsec. (a)(11). Pub. L. 111-84, § 584(b), added par. (11).

Subsec. (e). Pub. L. 111-84, § 577(a)(2), added subsec. (e).

Subsec. (f). Pub. L. 111-84, § 578(a)(2), added subsec. (f).

Subsec. (g). Pub. L. 111-84, § 579(a)(2), added subsec. (g).

Subsec. (h). Pub. L. 111-84, § 580(d), added subsec. (h).

Subsec. (i). Pub. L. 111-84, § 582(a), added subsec. (i).

2004—Subsec. (a)(3). Pub. L. 108-375 substituted "absent uniformed services voters and overseas voters" for "overseas voters".

2002—Pub. L. 107-252, § 702, designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a)(5). Pub. L. 107-252, § 705(b)(2), added par. (5).

Subsec. (c). Pub. L. 107-252, § 703(a), added subsec. (c).

Subsec. (d). Pub. L. 107-252, § 707, added subsec. (d).

2001—Par. (2). Pub. L. 107-107, § 1606(a)(1)(A), struck out "general, special, primary, or runoff" before "election for Federal office" and "and" after semicolon at end and inserted "and absentee ballot application" after "voter registration application".

Par. (4). Pub. L. 107-107, § 1606(a)(1)(B), (C), added par. (4).

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 577(b), Oct. 28, 2009, 123 Stat. 2320, provided that: "The amendments made by

this section [amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111–84, div. A, title V, § 578(b), Oct. 28, 2009, 123 Stat. 2321, provided that: “The amendments made by this section [amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111–84, div. A, title V, § 579(c), Oct. 28, 2009, 123 Stat. 2324, provided that: “The amendments made by this section [amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Amendment by section 580(c), (d) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 580(f) of Pub. L. 111–84, set out as a note under section 20301 of this title.

Pub. L. 111–84, div. A, title V, § 582(c), Oct. 28, 2009, 123 Stat. 2327, provided that: “The amendments made by this section [amending this section and section 20303 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Amendment by section 584(b) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 584(c) of Pub. L. 111–84, set out as a note under section 20301 of this title.

#### CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS

Pub. L. 111–84, div. A, title V, § 576, Oct. 28, 2009, 123 Stat. 2319, provided that: “Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act [probably means subtitle H (§§ 575–589) of title V of div. A of Pub. L. 111–84, see Tables for classification], to jurisdictions in the State.”

#### DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS

Pub. L. 107–252, title VII, § 703(b), Oct. 29, 2002, 116 Stat. 1724, provided that: “The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20302(c)] (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.”

### § 20303. Federal write-in absentee ballot in general elections for Federal office for absent uniformed services voters and overseas voters

#### (a) In general

##### (1) Federal write-in absentee ballot

The Presidential designee shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and over-

seas voters who make timely application for, and do not receive, States,<sup>1</sup> absentee ballots.

#### (2) Promotion and expansion of use of Federal write-in absentee ballots

##### (A) In general

Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

##### (B) Use of technology

Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 20302(b) of this title).

##### (C) Authorization of appropriations

There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.

#### (b) Submission and processing

Except as otherwise provided in this chapter, a Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot of an absent uniformed services voter or overseas voter shall not be counted—

(1) in the case of a ballot submitted by an overseas voter who is not an absent uniformed services voter, if the ballot is submitted from any location in the United States;

(2) if the application of the absent uniformed services voter or overseas voter for a State absentee ballot is received by the appropriate State election official after the later of—

(A) the deadline of the State for receipt of such application; or

(B) the date that is 30 days before the general election; or

(3) if a State absentee ballot of the absent uniformed services voter or overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

#### (c) Special rules

The following rules shall apply with respect to Federal write-in absentee ballots:

(1) In completing the ballot, the absent uniformed services voter or overseas voter may designate a candidate by writing in the name

<sup>1</sup> So in original. Probably should be “States”.



of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

**(d) Second ballot submission; instruction to absent uniformed services voter or overseas voter**

An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.

**(e) Use of approved State absentee ballot in place of Federal write-in absentee ballot**

The Federal write-in absentee ballot shall not be valid for use in a general, special, primary, or runoff election for Federal office if the State involved provides a State absentee ballot that—

- (1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot; and
- (2) is made available to absent uniformed services voters and overseas voters at least 60 days before the deadline for receipt of the State ballot under State law.

**(f) Prohibiting refusal to accept ballot for failure to meet certain requirements**

A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

- (1) Notarization requirements.
- (2) Restrictions on paper type, including weight and size.
- (3) Restrictions on envelope type, including weight and size.

**(g) Certain States exempted**

A State is not required to permit use of the Federal write-in absentee ballot, if, on and after August 28, 1986, the State has in effect a law providing that—

- (1) a State absentee ballot is required to be available to any voter described in section 20310(5)(A) of this title at least 90 days before the general, special, primary, or runoff election for Federal office involved; and
- (2) a State absentee ballot is required to be available to any voter described in section

20310(5)(B) or (C) of this title, as soon as the official list of candidates in the general, special, primary, or runoff election for Federal office is complete.

(Pub. L. 99-410, title I, § 103, Aug. 28, 1986, 100 Stat. 925; Pub. L. 108-375, div. A, title V, § 566(c), (d), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111-84, div. A, title V, §§ 581(a)(1), (b), 582(b), Oct. 28, 2009, 123 Stat. 2326, 2327; Pub. L. 111-383, div. A, title X, § 1075(d)(3), Jan. 7, 2011, 124 Stat. 4372.)

**CODIFICATION**

Section was formerly classified to section 1973ff-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

2011—Subsec. (g). Pub. L. 111-383 amended Pub. L. 111-84, § 581(a)(1)(C). See 2009 Amendment note below.

2009—Subsec. (a). Pub. L. 111-84, § 581(b), substituted “In general” for “In General” in subsec. (a) heading, designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

Pub. L. 111-84, § 581(a)(1)(A), substituted “general, special, primary, and runoff elections for Federal office” for “general elections for Federal office”.

Subsec. (e). Pub. L. 111-84, § 581(a)(1)(B), substituted “a general, special, primary, or runoff election for Federal office” for “a general election” in introductory provisions.

Subsec. (f). Pub. L. 111-84, § 582(b)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 111-84, § 582(b)(1), redesignated subsec. (f) as (g).

Pub. L. 111-84, § 581(a)(1)(C), as amended by Pub. L. 111-383, substituted “the general, special, primary, or runoff election for Federal office” for “the general election” in pars. (1) and (2).

2004—Pub. L. 108-375, § 566(d)(1), substituted “Federal write-in absentee ballot in general elections for Federal office for absent uniformed services voters and overseas voters” for “Federal write-in absentee ballot for overseas voters in general elections for Federal office” in section catchline.

Subsec. (a). Pub. L. 108-375, § 566(c)(1), substituted “absent uniformed services voters and overseas voters” for “overseas voters”.

Subsec. (b). Pub. L. 108-375, § 566(c)(2), inserted second sentence and struck out former second sentence which read as follows: “A Federal write-in absentee ballot of an overseas voter shall not be counted—

“(1) if the ballot is submitted from any location in the United States;

“(2) if the application of the overseas voter for a State absentee ballot is received by the appropriate State election official less than 30 days before the general election; or

“(3) if a State absentee ballot of the overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.”

Subsec. (c)(1). Pub. L. 108-375, § 566(c)(3), substituted “absent uniformed services voter or overseas voter” for “overseas voter”.

Subsec. (d). Pub. L. 108-375, § 566(c)(4), (d)(2), substituted “absent uniformed services voter or overseas voter” for “overseas voter” in heading and two places in text.

Subsec. (e)(2). Pub. L. 108-375, § 566(c)(5), substituted “absent uniformed services voters and overseas voters” for “overseas voters”.

**EFFECTIVE DATE OF 2011 AMENDMENT**

Pub. L. 111-383, div. A, title X, § 1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(3) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111-84 as enacted.

## EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, § 581(a)(2), Oct. 28, 2009, 123 Stat. 2326, provided that: “The amendments made by this subsection [amending this section] shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.”

Amendment by section 582(b) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 582(c) of Pub. L. 111–84, set out as a note under section 20302 of this title.

**§ 20304. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters**

**(a) Establishment of procedures**

The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 20303 of this title, and for delivering such marked absentee ballots to the appropriate election officials.

**(b) Delivery to appropriate election officials**

**(1) In general**

Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

**(2) Cooperation and coordination with the United States Postal Service**

The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

**(3) Deadline described**

**(A) In general**

Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

**(B) Authority to establish alternative deadline for certain locations**

If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in

subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

**(4) No postage requirement**

In accordance with section 3406 of title 39, such marked absentee ballots and other balloting materials shall be carried free of postage.

**(5) Date of mailing**

Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

**(c) Outreach for absent overseas uniformed services voters on procedures**

The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

**(d) Absent overseas uniformed services voter defined**

In this section, the term “absent overseas uniformed services voter” means an overseas voter described in section 20310(5)(A) of this title.

**(e) Authorization of appropriations**

There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

(Pub. L. 99–410, title I, § 103A, as added Pub. L. 111–84, div. A, title V, § 580(a), Oct. 28, 2009, 123 Stat. 2324.)

## CODIFICATION

Section was formerly classified to section 1973ff–2a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## EFFECTIVE DATE

Section applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 580(f) of Pub. L. 111–84, set out as an Effective Date of 2009 Amendment note under section 20301 of this title.

**§ 20305. Federal Voting Assistance Program Improvements**

**(a) Duties**

The Presidential designee shall carry out the following duties:

(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and

shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

**(b) Clarification regarding other duties and obligations**

Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.

(Pub. L. 99-410, title I, §103B, as added Pub. L. 111-84, div. A, title V, §583(a)(1), Oct. 28, 2009, 123 Stat. 2327.)

**CODIFICATION**

Section was formerly classified to section 1973ff-2b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**EFFECTIVE DATE**

Section applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 583(a)(3) of Pub. L. 111-84, set out as an Effective Date of 2009 Amendment note under section 20301 of this title.

**§ 20306. Prohibition of refusal of applications on grounds of early submission**

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 20301 of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

(Pub. L. 99-410, title I, §104, Aug. 28, 1986, 100 Stat. 926; Pub. L. 107-107, div. A, title XVI, §1606(b), Dec. 28, 2001, 115 Stat. 1279; Pub. L. 107-252, title VII, §§704, 706(a), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub. L. 111-84, div. A, title V, §585(a), (b)(2), Oct. 28, 2009, 123 Stat. 2331.)

**CODIFICATION**

Section was formerly classified to section 1973ff-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

2009—Pub. L. 111-84 substituted “Prohibition of refusal of applications on grounds of early submission” for “Use of single application for all subsequent elections” in section catchline, struck out subsecs. (a) to (d) which related, respectively, to provision of absentee ballot in subsequent elections after acceptance and

processing of an official post card form, exception for voters changing registration, revision of official post card form, and construction of provisions with voter removal programs, and struck out subsec. (e) designation and heading before “A State”.

2002—Subsec. (a), Pub. L. 107-252, §704, substituted “through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election” for “during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year”.

Subsec. (e), Pub. L. 107-252, §706(a), added subsec. (e). 2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to use of single application for all subsequent elections for provisions relating to recommendations to States to maximize access to polls by absent uniformed services voters and overseas voters.

**EFFECTIVE DATE OF 2002 AMENDMENT**

Pub. L. 107-252, title VII, §706(b), Oct. 29, 2002, 116 Stat. 1725, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to elections for Federal office that occur after January 1, 2004.”

**§ 20307. Enforcement**

**(a) In general**

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this chapter.

**(b) Report to Congress**

Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

(Pub. L. 99-410, title I, §105, Aug. 28, 1986, 100 Stat. 927; Pub. L. 111-84, div. A, title V, §587, Oct. 28, 2009, 123 Stat. 2333.)

**CODIFICATION**

Section was formerly classified to section 1973ff-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

2009—Pub. L. 111-84 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**§ 20308. Reporting requirements**

**(a) Report on status of implementation and assessment of programs**

Not later than 180 days after October 28, 2009, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 20304 of this title, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

(A) A thorough and complete assessment of whether the Program, as configured and implemented as of October 28, 2009, is effectively assisting absent uniformed services voters in exercising their right to vote.

(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 1566a of title 10.

**(b) Annual report on effectiveness of activities and utilization of certain procedures**

Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

(1) An assessment of the effectiveness of activities carried out under section 20305 of this title, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

(2) A description of the utilization of voter registration assistance under section 1566a of title 10, which shall include the following:

(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 20304 of this title, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

**(c) Definitions**

In this section:

**(1) Absent overseas uniformed services voter**

The term “absent overseas uniformed services voter” has the meaning given such term in section 20304(d) of this title.

**(2) Presidential designee**

The term “Presidential designee” means the Presidential designee under section 20301(a) of this title.

**(3) Relevant committees of Congress defined**

The term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(Pub. L. 99-410, title I, §105A, as added Pub. L. 111-84, div. A, title V, §586, Oct. 28, 2009, 123 Stat. 2331.)

**REFERENCES IN TEXT**

This Act, referred to in subsec. (a)(2)(C), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, known as the Uniformed and Overseas Citizens Absentee Voting Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

**CODIFICATION**

Section was formerly classified to section 1973ff-4a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20309. Effect on certain other laws**

The exercise of any right under this chapter shall not affect, for purposes of any Federal, State, or local tax, the residence or domicile of a person exercising such right.

(Pub. L. 99-410, title I, §106, Aug. 28, 1986, 100 Stat. 927.)

**CODIFICATION**

Section was formerly classified to section 1973ff-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20310. Definitions**

As used in this chapter, the term—

(1) “absent uniformed services voter” means—

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) “balloting materials” means official post card forms (prescribed under section 20301 of this title), Federal write-in absentee ballots (prescribed under section 20303 of this title), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this chapter;

(3) “Federal office” means the office of President or Vice President, or of Senator or

Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) “member of the merchant marine” means an individual (other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways)—

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

(5) “overseas voter” means—

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and

(8) “United States”, where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

(Pub. L. 99-410, title I, §107, Aug. 28, 1986, 100 Stat. 927.)

#### CODIFICATION

Section was formerly classified to section 1973ff-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 20311. Technology pilot program

#### (a) Definitions

In this section:

##### (1) Absent uniformed services voter

The term “absent uniformed services voter” has the meaning given such term in section

107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1)) [now 52 U.S.C. 20310(1)].

##### (2) Overseas voter

The term “overseas voter” has the meaning given such term in section 107(5) of such Act [52 U.S.C. 20310(5)].

##### (3) Presidential designee

The term “Presidential designee” means the individual designated under section 101(a) of such Act [52 U.S.C. 20301(a)].

#### (b) Establishment

##### (1) In general

The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) [now 52 U.S.C. 20301 et seq.].

##### (2) Design and conduct

The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

#### (c) Considerations

In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

#### (d) Reports

The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

#### (e) Technical assistance

##### (1) In general

The Election Assistance Commission and the National Institute of Standards and Tech-

nology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1973ff note [now 52 U.S.C. 20301 note]), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919) to support the pilot program or programs.

## (2) Report

In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after October 28, 2009, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since October 28, 2004.

## (3) Relevant committees of Congress defined

In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

## (f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 111-84, div. A, title V, § 589, Oct. 28, 2009, 123 Stat. 2334; Pub. L. 111-383, div. A, title X, § 1075(d)(6), Jan. 7, 2011, 124 Stat. 4373.)

### REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(1), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to this chapter. Sections 101 and 107 of the Act are classified to sections 20301 and 20310, respectively, of this title. For complete classification of this Act to the Code, see Tables.

### CODIFICATION

Section was formerly classified to section 1973ff-7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

Section was enacted as part of the Military and Overseas Voter Empowerment Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Uniformed and Overseas Citizens Absentee Voting Act, which comprises this chapter.

### AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-383, § 1075(d)(6)(A), substituted “section 107(1)” for “section 107(a)” and “1973ff-6(1)” for “1973ff et seq.”

Subsec. (e)(1). Pub. L. 111-383, § 1075(d)(6)(B), substituted “1973ff note” for “1977ff note”.

### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, § 1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(6) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111-84 as enacted.

## CHAPTER 205—NATIONAL VOTER REGISTRATION

Sec.	
20501.	Findings and purposes.
20502.	Definitions.
20503.	National procedures for voter registration for elections for Federal office.
20504.	Simultaneous application for voter registration and application for motor vehicle driver's license.
20505.	Mail registration.
20506.	Voter registration agencies.
20507.	Requirements with respect to administration of voter registration.
20508.	Federal coordination and regulations.
20509.	Designation of chief State election official.
20510.	Civil enforcement and private right of action.
20511.	Criminal penalties.

## § 20501. Findings and purposes

### (a) Findings

The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

### (b) Purposes

The purposes of this chapter are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

(Pub. L. 103-31, § 2, May 20, 1993, 107 Stat. 77.)

### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

### CODIFICATION

Section was formerly classified to section 1973gg of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### EFFECTIVE DATE

Pub. L. 103-31, § 13, May 20, 1993, 107 Stat. 89, provided that: “This Act [see Tables for classification] shall take effect—

“(1) with respect to a State that on the date of enactment of this Act [May 20, 1993] has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

“(A) January 1, 1996; or

“(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

“(2) with respect to any State not described in paragraph (1), on January 1, 1995.”

#### PROOF OF CITIZENSHIP

Pub. L. 104-132, title IX, §902, Apr. 24, 1996, 110 Stat. 1317, provided that: “Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.”

Similar provisions were contained in section 117 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37.

### § 20502. Definitions

As used in this chapter—

(1) the term “election” has the meaning stated in section 30101(1) of this title;

(2) the term “Federal office” has the meaning stated in section 30101(3) of this title;

(3) the term “motor vehicle driver’s license” includes any personal identification document issued by a State motor vehicle authority;

(4) the term “State” means a State of the United States and the District of Columbia; and

(5) the term “voter registration agency” means an office designated under section 20506(a)(1) of this title to perform voter registration activities.

(Pub. L. 103-31, §3, May 20, 1993, 107 Stat. 77.)

#### CODIFICATION

Section was formerly classified to section 1973gg-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20503. National procedures for voter registration for elections for Federal office

#### (a) In general

Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver’s license pursuant to section 20504 of this title;

(2) by mail application pursuant to section 20505 of this title; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 20506 of this title.

#### (b) Nonapplicability to certain States

This chapter does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after August 1, 1994, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after August 1, 1994, or that was enacted on or prior to August 1, 1994, and by its terms is to come into effect upon the enactment of this chapter, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

(Pub. L. 103-31, §4, May 20, 1993, 107 Stat. 78; Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37.)

#### REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (b)(2), means the date of enactment of Pub. L. 103-31, which was approved May 20, 1993.

#### CODIFICATION

Section was formerly classified to section 1973gg-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Amendment by Pub. L. 104-91 is based on section 116(a) of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-91, as amended by Pub. L. 104-99, substituted “August 1, 1994” for “March 11, 1993” wherever appearing.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 116(b) of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the provisions of the National Voter Registration Act of 1993 [Pub. L. 103-31, see Tables for classification].”

### § 20504. Simultaneous application for voter registration and application for motor vehicle driver’s license

#### (a) In general

(1) Each State motor vehicle driver’s license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

**(b) Limitation on use of information**

No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

**(c) Forms and procedures**

(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 20507(a)(5)(A) and (B) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

**(d) Change of address**

Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

**(e) Transmittal deadline**

(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at

a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(Pub. L. 103-31, § 5, May 20, 1993, 107 Stat. 78.)

## CODIFICATION

Section was formerly classified to section 1973gg-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20505. Mail registration****(a) Form**

(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 20508(a)(2) of this title for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 20508(b) of this title for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

**(b) Availability of forms**

The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

**(c) First-time voters**

(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20301 et seq.];

(B) who is provided the right to vote otherwise than in person under section 20102(b)(2)(B)(ii) of this title; or

(C) who is entitled to vote otherwise than in person under any other Federal law.

**(d) Undelivered notices**

If a notice of the disposition of a mail voter registration application under section 20507(a)(2) of this title is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 20507(d) of this title.

(Pub. L. 103-31, § 6, May 20, 1993, 107 Stat. 79.)

## REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (c)(2)(A), is Pub. L.



99-410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 1973gg-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20506. Voter registration agencies

#### (a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 20508(a)(2) of this title, including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 20508(a)(2) of this title,

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6)

may be used for any purpose other than voter registration.

**(b) Federal Government and private sector cooperation**

All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

**(c) Armed Forces recruitment offices**

(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this chapter.

**(d) Transmittal deadline**

(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(Pub. L. 103–31, § 7, May 20, 1993, 107 Stat. 80.)

**CODIFICATION**

Section was formerly classified to section 1973gg–5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**EX. ORD. NO. 12926. IMPLEMENTATION OF NATIONAL VOTER REGISTRATION ACT OF 1993**

Ex. Ord. No. 12926, Sept. 12, 1994, 59 F.R. 47227, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to ensure, as required by section 7(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg [sic] [52 U.S.C. 20506(b)] (“the Act”), that departments, agencies, and other entities of the executive branch of the Federal Government cooperate with the States in carrying out the Act’s requirements, it is hereby ordered as follows:

**SECTION 1. Assistance to States.** To the greatest extent practicable, departments, agencies, and other entities of the executive branch of the Federal Government that provide, in whole or in part, funding, grants, or assistance for, or with respect to the administration of, any program of public assistance or services to persons with disabilities within the meaning of section 7(a) of the Act shall: (a) provide, to State agencies administering any such program, guidance for the implementation of the requirements of section 7 of the Act, including guidance for use and distribution of voter registration forms in connection with applications for service;

(b) assist each such State agency administering any such program with the costs of implementation of the Act [52 U.S.C. 20501 et seq.], consistent with legal authority and the availability of funds, and promptly indicate to each State agency the extent to which such assistance will be made available; and

(c) designate an office or staff to be available to provide technical assistance to such State agencies.

**SEC. 2. Armed Forces Recruitment Offices.** The Secretary of Defense is directed to work with the appropriate State elections authorities in each State to develop procedures for persons to apply to register to vote at Armed Forces recruitment offices as required by section 7(c) of the Act.

**SEC. 3. Acceptance of Designation.** To the greatest extent practicable, departments, agencies, or other entities of the executive branch of the Federal Government, if requested to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the Act, shall: (a) agree to such a designation if agreement is consistent with the department’s, agency’s, or entity’s legal authority and availability of funds; and

(b) ensure that all of its offices that are located in a particular State will have available to the public at least one of the national voter registration forms that are required under the Act to be available in that State.

WILLIAM J. CLINTON.

**§ 20507. Requirements with respect to administration of voter registration**

**(a) In general**

In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 20504 of this title, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 20505 of this title, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 20504, 20505, and 20506 of this title of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

**(b) Confirmation of voter registration**

Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.]; and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.

**(c) Voter removal programs**

(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3)(A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this chapter.

**(d) Removal of names from voting rolls**

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

**(e) Procedure for voting following failure to return card**

(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

**(f) Change of voting address within a jurisdiction**

In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

**(g) Conviction in Federal court**

(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 20509 of this title of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

**(h) Omitted**

**(i) Public disclosure of voter registration activities**

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

**(j) "Registrar's jurisdiction" defined**

For the purposes of this section, the term "registrar's jurisdiction" means—

- (1) an incorporated city, town, borough, or other form of municipality;
- (2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
- (3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

(Pub. L. 103-31, § 8, May 20, 1993, 107 Stat. 82; Pub. L. 107-252, title IX, § 903, Oct. 29, 2002, 116 Stat. 1728.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 1973gg-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 8 of Pub. L. 103-31, Subsec. (h) of section 8 of Pub. L. 103-31 enacted section 3629 of Title 39, Postal Service, and amended sections 2401 and 3627 of Title 39.

## AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-252 inserted before period at end “, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

“(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

“(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office”.

**§ 20508. Federal coordination and regulations****(a) In general**

The Election Assistance Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this chapter on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this chapter; and

(4) shall provide information to the States with respect to the responsibilities of the States under this chapter.

**(b) Contents of mail voter registration form**

The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 20507(a)(5)(A) and (B) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(Pub. L. 103-31, § 9, May 20, 1993, 107 Stat. 87; Pub. L. 107-252, title VIII, § 802(b), Oct. 29, 2002, 116 Stat. 1726.)

## CODIFICATION

Section was formerly classified to section 1973gg-7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2002—Subsec. (a). Pub. L. 107-252 substituted “Election Assistance Commission” for “Federal Election Commission” in introductory provisions.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-252 effective upon appointment of all members of the Election Assistance Commission under section 20923 of this title, see section 21134(a) of this title.

**§ 20509. Designation of chief State election official**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this chapter.

(Pub. L. 103-31, § 10, May 20, 1993, 107 Stat. 87.)

## CODIFICATION

Section was formerly classified to section 1973gg-8 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20510. Civil enforcement and private right of action****(a) Attorney General**

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this chapter.

**(b) Private right of action**

(1) A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

**(c) Attorney's fees**

In a civil action under this section, the court may allow the prevailing party (other than the

United States) reasonable attorney fees, including litigation expenses, and costs.

**(d) Relation to other laws**

(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this chapter shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(2) Nothing in this chapter authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(Pub. L. 103-31, §11, May 20, 1993, 107 Stat. 88.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (d), is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973gg-9 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20511. Criminal penalties**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this chapter; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

(Pub. L. 103-31, §12, May 20, 1993, 107 Stat. 88.)

CODIFICATION

Section was formerly classified to section 1973gg-10 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**CHAPTER 207—FEDERAL ELECTION RECORDS**

Sec.	
20701.	Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation.
20702.	Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties.
20703.	Demand for records or papers by Attorney General or representative; statement of basis and purpose.
20704.	Disclosure of records or papers.
20705.	Jurisdiction to compel production of records or papers.
20706.	“Officer of election” defined.

**§ 20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation**

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88.)

CODIFICATION

Section was formerly classified to section 1974 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20702. Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties**

Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Pub. L. 86-449, title III, §302, May 6, 1960, 74 Stat. 88.)

CODIFICATION

Section was formerly classified to section 1974a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20703. Demand for records or papers by Attorney General or representative; statement of basis and purpose**

Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

(Pub. L. 86-449, title III, §303, May 6, 1960, 74 Stat. 88.)

**CODIFICATION**

Section was formerly classified to section 1974b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20704. Disclosure of records or papers**

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

(Pub. L. 86-449, title III, §304, May 6, 1960, 74 Stat. 88.)

**CODIFICATION**

Section was formerly classified to section 1974c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20705. Jurisdiction to compel production of records or papers**

The United States district court for the district in which a demand is made pursuant to section 20703 of this title, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

(Pub. L. 86-449, title III, §305, May 6, 1960, 74 Stat. 88.)

**CODIFICATION**

Section was formerly classified to section 1974d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20706. “Officer of election” defined**

As used in this chapter, the term “officer of election” means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elec-

tor, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

(Pub. L. 86-449, title III, §306, May 6, 1960, 74 Stat. 88.)

**CODIFICATION**

Section was formerly classified to section 1974e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**CHAPTER 209—ELECTION ADMINISTRATION IMPROVEMENT**

**SUBCHAPTER I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES**

**Sec.**

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## SUBCHAPTER I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

## § 20901. Payments to States for activities to improve administration of elections

## (a) In general

Not later than 45 days after October 29, 2002, the Administrator of General Services (in this subchapter referred to as the “Administrator”) shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after October 29, 2002, that the State intends to use the payment in accordance with this section.

## (b) Use of payment

## (1) In general

A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

(A) Complying with the requirements under subchapter III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under subpart 1 of part D of subchapter II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible



voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

**(2) Limitation**

A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

**(c) Use of funds to be consistent with other laws and requirements**

In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 21145 of this title, as such laws relate to the provisions of this chapter; and

(2) the proposed uses of the funds are not inconsistent with the requirements of subchapter III.

**(d) Amount of payment**

**(1) In general**

Subject to section 20903(b) of this title, the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

**(2) Minimum payment amount**

The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

**(3) Voting age population proportion amount**

The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

**(4) Voting age population proportion defined**

The term “voting age population proportion” means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

(Pub. L. 107-252, title I, §101, Oct. 29, 2002, 116 Stat. 1668.)

REFERENCES IN TEXT

Subchapter III, referred to in subsecs. (b)(1)(A) and (c)(2), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which enacted subchapter III of this chapter and amended section 405 of Title 42, The Public Health and Welfare. For complete classification of title III to the Code, see Tables.

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15301 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20902. Replacement of punch card or lever voting machines**

**(a) Establishment of program**

**(1) In general**

Not later than 45 days after October 29, 2002, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a “qualifying precinct”).

**(2) Use of funds**

A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 21145 of this title; and

(C) meets the requirements of section 21081 of this title.

**(3) Deadline**

**(A) In general**

Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

**(B) Waiver**

If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in

subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after November 1, 2010.

**(b) Eligibility**

**(1) In general**

A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after October 29, 2002 (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 21145 of this title;

(C) certifications that the replacement voting systems will meet the requirements of section 21081 of this title; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

**(2) Compliance of States that require changes to State law**

In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

**(c) Amount of payment**

**(1) In general**

Subject to paragraph (2) and section 20903(b) of this title, the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) \$4,000.

**(2) Reduction**

If the amount of funds appropriated pursuant to the authority of section 20904(a)(2) of this title is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

**(d) Repayment of funds for failure to meet deadlines**

**(1) In general**

If a State receiving funds under the program under this section fails to meet the deadline applicable to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

**(2) Noncompliant precinct percentage defined**

In this subsection, the term “noncompliant precinct percentage” means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

**(e) Punch card voting system defined**

For purposes of this section, a “punch card voting system” includes any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

(Pub. L. 107–252, title I, §102, Oct. 29, 2002, 116 Stat. 1670; Pub. L. 110–28, title VI, §6301(a), May 25, 2007, 121 Stat. 171; Pub. L. 111–8, div. D, title VI, §625(a), Mar. 11, 2009, 123 Stat. 678.)

**CODIFICATION**

Section was formerly classified to section 15302 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

2009—Subsec. (a)(3)(B). Pub. L. 111–8 substituted “November 1, 2010” for “March 1, 2008”.

2007—Subsec. (a)(3)(B). Pub. L. 110–28 substituted “March 1, 2008” for “January 1, 2006”.

**EFFECTIVE DATE OF 2009 AMENDMENT**

Pub. L. 111–8, div. D, title VI, §625(b), Mar. 11, 2009, 123 Stat. 678, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Help America Vote Act of 2002 [Pub. L. 107–252, see Tables for classification].”

**EFFECTIVE DATE OF 2007 AMENDMENT**

Pub. L. 110–28, title VI, §6301(b), May 25, 2007, 121 Stat. 171, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Help America Vote Act of 2002 [Pub. L. 107–252, see Tables for classification].”

**§ 20903. Guaranteed minimum payment amount**

**(a) In general**

In addition to any other payments made under this subchapter, the Administrator shall make a payment to each State to which a payment is made under either section 20901 or 20902 of this title and with respect to which the aggregate

amount paid under such sections is less than \$5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 20901 and 20902 of this title and \$5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to “\$5,000,000” were a reference to “\$1,000,000”.

**(b) Pro rata reductions**

The Administrator shall make such pro rata reductions to the amounts described in sections 20901(d) and 20902(c) of this title as are necessary to comply with the requirements of subsection (a).

(Pub. L. 107-252, title I, §103, Oct. 29, 2002, 116 Stat. 1672.)

CODIFICATION

Section was formerly classified to section 15303 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20904. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated for payments under this subchapter \$650,000,000, of which—

- (1) 50 percent shall be for payments under section 20901 of this title; and
- (2) 50 percent shall be for payments under section 20902 of this title.

**(b) Continuing availability of funds after appropriation**

Any payment made to a State under this subchapter shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

**(c) Use of returned funds and funds remaining unexpended for requirements payments**

**(1) In general**

The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under subchapter II) and used by the Commission to make requirements payments under subpart 1 of part D of subchapter II.

**(2) Amounts described**

The amounts referred to in this paragraph are as follows:

- (A) Any amounts paid to the Administrator by a State under section 20902(d)(1) of this title.
- (B) Any amounts appropriated for payments under this subchapter which remain unobligated as of September 1, 2003.

**(d) Deposit of amounts in State election fund**

When a State has established an election fund described in section 21004(b) of this title, the State shall ensure that any funds provided to the State under this subchapter are deposited and maintained in such fund.

**(e) Authorization of appropriations for Administrator**

In addition to the amounts authorized under subsection (a), there are authorized to be appro-

riated to the Administrator such sums as may be necessary to administer the programs under this subchapter.

(Pub. L. 107-252, title I, §104, Oct. 29, 2002, 116 Stat. 1672.)

CODIFICATION

Section was formerly classified to section 15304 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20905. Administration of programs**

In administering the programs under this subchapter, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

(Pub. L. 107-252, title I, §105, Oct. 29, 2002, 116 Stat. 1673.)

CODIFICATION

Section was formerly classified to section 15305 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20906. Effective date**

The Administrator shall implement the programs established under this subchapter in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on October 29, 2002.

(Pub. L. 107-252, title I, §106, Oct. 29, 2002, 116 Stat. 1673.)

CODIFICATION

Section was formerly classified to section 15306 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**SUBCHAPTER II—COMMISSION**

**PART A—ESTABLISHMENT AND GENERAL ORGANIZATION**

**SUBPART 1—ELECTION ASSISTANCE COMMISSION**

**§ 20921. Establishment**

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this subchapter referred to as the “Commission”), consisting of the members appointed under this subpart. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under subpart 2 of this part (hereafter in this subpart referred to as the “Standards Board” and the “Board of Advisors”, respectively) and the Technical Guidelines Development Committee under subpart 3 of this part.

(Pub. L. 107-252, title II, §201, Oct. 29, 2002, 116 Stat. 1673.)

CODIFICATION

Section was formerly classified to section 15321 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20922. Duties**

The Commission shall serve as a national clearinghouse and resource for the compilation

of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in subpart 3 of this part (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

(2) carrying out the duties described in part B of this subchapter (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in part C of this subchapter (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in part D of this subchapter (relating to election assistance), and providing information and training on the management of the payments and grants provided under such part;

(5) carrying out the duties described in part B of subchapter III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under subchapter V.

(Pub. L. 107-252, title II, §202, Oct. 29, 2002, 116 Stat. 1673.)

#### CODIFICATION

Section was formerly classified to section 15322 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20923. Membership and appointment

#### (a) Membership

##### (1) In general

The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

##### (2) Recommendations

Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

##### (3) Qualifications

Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

##### (4) Date of appointment

The appointments of the members of the Commission shall be made not later than 120 days after October 29, 2002.

#### (b) Term of service

##### (1) In general

Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and

may be reappointed for not more than one additional term.

#### (2) Terms of initial appointees

As designated by the President at the time of nomination, of the members first appointed—

(A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

#### (3) Vacancies

##### (A) In general

A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

##### (B) Expired terms

A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

##### (C) Unexpired terms

An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

#### (c) Chair and vice chair

##### (1) In general

The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

##### (2) Number of terms

A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

#### (d) Compensation

##### (1) In general

Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5.

##### (2) Other activities

No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

(Pub. L. 107-252, title II, §203, Oct. 29, 2002, 116 Stat. 1674.)

#### CODIFICATION

Section was formerly classified to section 15323 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20924. Staff****(a) Executive Director, General Counsel, and other staff****(1) Executive Director**

The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5.

**(2) Term of service for Executive Director**

The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

**(3) Procedure for appointment****(A) In general**

When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position.

**(B) Requiring consideration of nominees**

Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

**(C) Interim service of General Counsel**

If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

**(D) Special rules for interim Executive Director****(i) Convening of search committees**

The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

**(ii) Interim initial appointment**

Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

**(4) General Counsel**

The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

**(5) Other staff**

Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

**(6) Applicability of certain civil service laws**

The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

**(b) Experts and consultants**

Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5 by a vote of the Commission.

**(c) Staff of Federal agencies**

Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

**(d) Arranging for assistance for Board of Advisors and Standards Board**

At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this subchapter (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

**(e) Consultation with Board of Advisors and Standards Board on certain matters**

In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

(Pub. L. 107-252, title II, § 204, Oct. 29, 2002, 116 Stat. 1675.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15324 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20925. Powers****(a) Hearings and sessions**

The Commission may hold such hearings for the purpose of carrying out this chapter, sit and

act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this chapter. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

**(b) Information from Federal agencies**

The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this chapter. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

**(c) Postal services**

The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**(d) Administrative support services**

Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this chapter.

**(e) Contracts**

The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 6101 of title 41.

(Pub. L. 107-252, title II, §205, Oct. 29, 2002, 116 Stat. 1677.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15325 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

In subsec. (e), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

**§ 20926. Dissemination of information**

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44 information on the activities carried out under this chapter.

(Pub. L. 107-252, title II, §206, Oct. 29, 2002, 116 Stat. 1677.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15326 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20927. Annual report**

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this chapter, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under subpart 1 of part D of this subchapter, and each other report submitted to the Commission under this chapter.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under subpart 3 of this part and information on the voluntary guidance adopted under part B of subchapter III.

(4) All votes taken by the Commission.

(5) Such other information and recommendations as the Commission considers appropriate.

(Pub. L. 107-252, title II, §207, Oct. 29, 2002, 116 Stat. 1677.)

REFERENCES IN TEXT

This chapter, referred to in pars. (1) and (2), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15327 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20928. Requiring majority approval for actions**

Any action which the Commission is authorized to carry out under this chapter may be carried out only with the approval of at least three of its members.

(Pub. L. 107-252, title II, §208, Oct. 29, 2002, 116 Stat. 1678.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15328 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20929. Limitation on rulemaking authority**

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 20508(a) of this title.

(Pub. L. 107-252, title II, §209, Oct. 29, 2002, 116 Stat. 1678.)

## CODIFICATION

Section was formerly classified to section 15329 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20930. Authorization of appropriations**

In addition to the amounts authorized for payments and grants under this subchapter and the amounts authorized to be appropriated for the program under section 21123 of this title, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out this subchapter.

(Pub. L. 107-252, title II, §210, Oct. 29, 2002, 116 Stat. 1678.)

## CODIFICATION

Section was formerly classified to section 15330 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBPART 2—ELECTION ASSISTANCE COMMISSION  
STANDARDS BOARD AND BOARD OF ADVISORS**§ 20941. Establishment**

There are hereby established the Election Assistance Commission Standards Board (hereafter in this subchapter referred to as the “Standards Board”) and the Election Assistance Commission Board of Advisors (hereafter in this subchapter referred to as the “Board of Advisors”).

(Pub. L. 107-252, title II, §211, Oct. 29, 2002, 116 Stat. 1678.)

## CODIFICATION

Section was formerly classified to section 15341 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20942. Duties**

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in subpart 3 of this part, review the voluntary voting system guidelines under such subpart, the voluntary guidance under subchapter III, and the best practices recommendations contained in the report submitted under section 20982(b) of this title.

(Pub. L. 107-252, title II, §212, Oct. 29, 2002, 116 Stat. 1678.)

## REFERENCES IN TEXT

Subchapter III, referred to in text, was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15342 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20943. Membership of Standards Board****(a) Composition****(1) In general**

Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

**(2) List of local election officials**

Each State’s local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

**(3) Requiring mix of political parties represented**

The two members of the Standards Board who represent the same State may not be members of the same political party.

**(b) Procedures for notice and certification of appointment****(1) Notice to chair of Federal Election Commission**

Not later than 90 days after October 29, 2002, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing—

(A) the name of the State election official who agrees to serve on the Standards Board under this subchapter; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this subchapter.

**(2) Certification**

Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this subchapter.

**(3) Effect of failure to provide notice**

If a State does not transmit a notice to the chair of the Federal Election Commission

under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

**(4) Role of Commission**

Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

**(c) Executive Board**

**(1) In general**

Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom—

- (A) not more than five may be State election officials;
- (B) not more than five may be local election officials; and
- (C) not more than five may be members of the same political party.

**(2) Terms**

Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

**(3) Staggering of initial terms**

Of the members first selected to serve on the Executive Board of the Standards Board—

- (A) three shall serve for 1 term;
- (B) three shall serve for 2 consecutive terms; and
- (C) three shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

**(4) Duties**

In addition to any other duties assigned under this subchapter, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

(Pub. L. 107-252, title II, §213, Oct. 29, 2002, 116 Stat. 1678.)

**CODIFICATION**

Section was formerly classified to section 15343 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20944. Membership of Board of Advisors**

**(a) In general**

The Board of Advisors shall be composed of 37 members appointed as follows:

- (1) Two members appointed by the National Governors Association.
- (2) Two members appointed by the National Conference of State Legislatures.
- (3) Two members appointed by the National Association of Secretaries of State.
- (4) Two members appointed by the National Association of State Election Directors.

(5) Two members appointed by the National Association of Counties.

(6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.<sup>1</sup>

(7) Two members appointed by the United States Conference of Mayors.

(8) Two members appointed by the Election Center.

(9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.<sup>2</sup>

(10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier<sup>3</sup> Compliance Board under section 792 of title 29.

(12) The chief of the Office of Public Integrity of the Department of Justice,<sup>4</sup> or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom—

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom—

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

**(b) Manner of appointments**

Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

**(c) Term of service; vacancy**

Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

**(d) Chair**

The Board of Advisors shall elect a Chair from among its members.

<sup>1</sup> So in original. Probably should be "National Association of County Recorders, Election Officials and Clerks."

<sup>2</sup> So in original. Probably should be "International Association of Clerks, Recorders, Election Officials and Treasurers."

<sup>3</sup> So in original. Probably should be "Barriers".

<sup>4</sup> So in original. Probably means the Public Integrity Section of the Criminal Division of the Department of Justice.



(Pub. L. 107-252, title II, §214, Oct. 29, 2002, 116 Stat. 1680.)

#### CODIFICATION

Section was formerly classified to section 15344 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### **§ 20945. Powers of Boards; no compensation for service**

#### **(a) Hearings and sessions**

##### **(1) In general**

To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this chapter, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this subchapter, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

##### **(2) Meetings**

The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 20962 of this title;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this subchapter.

#### **(b) Information from Federal agencies**

The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this chapter. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

#### **(c) Postal services**

The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

#### **(d) Administrative support services**

Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this subchapter.

#### **(e) No compensation for service**

Members of the Standards Board and members of the Board of Advisors shall not receive any

compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Board.

(Pub. L. 107-252, title II, §215, Oct. 29, 2002, 116 Stat. 1681.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 15345 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### **§ 20946. Status of Boards and members for purposes of claims against Board**

#### **(a) In general**

The provisions of chapters 161 and 171 of title 28 shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

#### **(b) Exception for criminal acts and other willful conduct**

Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

(Pub. L. 107-252, title II, §216, Oct. 29, 2002, 116 Stat. 1681.)

#### CODIFICATION

Section was formerly classified to section 15346 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### SUBPART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

### **§ 20961. Technical Guidelines Development Committee**

#### **(a) Establishment**

There is hereby established the Technical Guidelines Development Committee (hereafter in this subpart referred to as the “Development Committee”).

#### **(b) Duties**

##### **(1) In general**

The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

##### **(2) Deadline for initial set of recommendations**

The Development Committee shall provide its first set of recommendations under this

section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

**(c) Membership**

**(1) In general**

The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

- (i) Members of the Standards Board.
- (ii) Members of the Board of Advisors.
- (iii) Members of the Architectural and Transportation Barrier Compliance Board under section 792 of title 29.

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

**(2) Quorum**

A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

**(d) No compensation for service**

Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Development Committee.

**(e) Technical support from National Institute of Standards and Technology**

**(1) In general**

At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this part.

**(2) Technical support**

The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this subpart, including—

- (A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized

list required under section 21083(a) of this title;

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

**(3) No private sector intellectual property rights in guidelines**

No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this chapter.

**(f) Publication of recommendations in Federal Register**

At the time the Commission adopts any voluntary voting system guideline pursuant to section 20962 of this title, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

(Pub. L. 107-252, title II, § 221, Oct. 29, 2002, 116 Stat. 1682.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(3), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15361 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20962. Process for adoption**

**(a) General requirement for notice and comment**

Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

**(b) Consideration of recommendations of Development Committee; submission of proposed guidelines to Board of Advisors and Standards Board**

**(1) Consideration of recommendations of Development Committee**

In developing the voluntary voting system guidelines and modifications of such guidelines under this section, the Executive Direc-

tor of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 20961 of this title.

**(2) Board of Advisors**

The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this subpart (or any modifications to such guidelines) to the Board of Advisors.

**(3) Standards Board**

The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this subpart (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

**(c) Review**

Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

**(d) Final adoption**

**(1) In general**

A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

**(2) Minimum period for consideration of comments and recommendations**

The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

**(e) Special rule for initial set of guidelines**

Notwithstanding any other provision of this subpart, the most recent set of voting system standards adopted by the Federal Election Commission prior to October 29, 2002, shall be deemed to have been adopted by the Commission as of October 29, 2002, as the first set of voluntary voting system guidelines adopted under this subpart.

(Pub. L. 107-252, title II, § 222, Oct. 29, 2002, 116 Stat. 1683.)

CODIFICATION

Section was formerly classified to section 15362 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART B—TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE

**§ 20971. Certification and testing of voting systems**

**(a) Certification and testing**

**(1) In general**

The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

**(2) Optional use by States**

At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

**(b) Laboratory accreditation**

**(1) Recommendations by National Institute of Standards and Technology**

Not later than 6 months after the Commission first adopts voluntary voting system guidelines under subpart 3 of part A of this subchapter, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

**(2) Approval by Commission**

**(A) In general**

The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

**(B) Accreditation of laboratories not on Director list**

The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

**(c) Continuing review by National Institute of Standards and Technology**

**(1) In general**

In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

**(2) Approval by Commission required for revocation**

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

**(d) Transition**

Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of October 29, 2002, shall remain in effect.

(Pub. L. 107-252, title II, §231, Oct. 29, 2002, 116 Stat. 1684.)

CODIFICATION

Section was formerly classified to section 15371 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART C—STUDIES AND OTHER ACTIVITIES TO PROMOTE EFFECTIVE ADMINISTRATION OF FEDERAL ELECTIONS

**§ 20981. Periodic studies of election administration issues**

**(a) In general**

On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

- (1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;
- (2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;
- (3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and
- (4) will be efficient and cost-effective for use.

**(b) Election administration issues described**

For purposes of subsection (a), the election administration issues described in this subsection are as follows:

- (1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.
- (2) Ballot designs for elections for Federal office.
- (3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling

sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5 as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages

for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

### (c) Reports

The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(Pub. L. 107-252, title II, §241, Oct. 29, 2002, 116 Stat. 1686.)

#### CODIFICATION

Section was formerly classified to section 15381 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### ELECTION DATA COLLECTION GRANTS

Pub. L. 110-161, div. D, title V, §501, Dec. 26, 2007, 121 Stat. 1997, required the Election Assistance Commission to establish an election data collection grant program.

### § 20982. Study, report, and recommendations on best practices for facilitating military and overseas voting

#### (a) Study

##### (1) In general

The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 20310(1) of this title) and overseas voters (as defined in section 20310(5) of this title).

##### (2) Issues considered

In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

### (b) Report and recommendations

Not later than the date that is 18 months after October 29, 2002, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

(Pub. L. 107-252, title II, §242, Oct. 29, 2002, 116 Stat. 1688.)

#### CODIFICATION

Section was formerly classified to section 15382 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20983. Report on human factor research

Not later than 1 year after October 29, 2002, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

(Pub. L. 107-252, title II, §243, Oct. 29, 2002, 116 Stat. 1688.)

#### CODIFICATION

Section was formerly classified to section 15383 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20984. Study and report on voters who register by mail and use of Social Security information**

**(a) Registration by mail**

**(1) Study**

**(A) In general**

The Commission shall conduct a study of the impact of section 21083(b) of this title on voters who register by mail.

**(B) Specific issues studied**

The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 21083(b) of this title on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

**(2) Report**

Not later than 18 months after the date on which section 21083(b)(2) of this title takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

**(b) Use of Social Security information**

Not later than 18 months after the date on which section 21083(a)(5) of this title takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

(Pub. L. 107-252, title II, §244, Oct. 29, 2002, 116 Stat. 1689.)

REFERENCES IN TEXT

For the effective dates of subsecs. (a)(5) and (b)(2) of section 21083 of this title, referred to in subsecs. (a)(2) and (b), see section 21083(d) of this title.

CODIFICATION

Section was formerly classified to section 15384 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20985. Study and report on electronic voting and the electoral process**

**(a) Study**

**(1) In general**

The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

**(2) Issues to be studied**

The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

**(b) Report****(1) Submission**

Not later than 20 months after October 29, 2002, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

**(2) Internet posting**

In addition to the dissemination requirements under chapter 19 of title 44, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

(Pub. L. 107-252, title II, §245, Oct. 29, 2002, 116 Stat. 1690.)

## CODIFICATION

Section was formerly classified to section 15385 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20986. Study and report on free absentee ballot postage****(a) Study on the establishment of a free absentee ballot postage program****(1) In general**

The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39) that does not apply with respect to the postage required to send the absentee ballots to voters.

**(2) Public survey**

As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

**(b) Report****(1) Submission**

Not later than the date that is 1 year after October 29, 2002, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

**(2) Costs**

The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

**(3) Implementation**

The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

**(4) Recommendations regarding the elderly and disabled**

The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

**(c) Postal Service defined**

The term “Postal Service” means the United States Postal Service established under section 201 of title 39.

(Pub. L. 107-252, title II, §246, Oct. 29, 2002, 116 Stat. 1691.)

## CODIFICATION

Section was formerly classified to section 15386 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20987. Consultation with Standards Board and Board of Advisors**

The Commission shall carry out its duties under this part in consultation with the Standards Board and the Board of Advisors.

(Pub. L. 107-252, title II, §247, Oct. 29, 2002, 116 Stat. 1692.)

## CODIFICATION

Section was formerly classified to section 15387 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## PART D—ELECTION ASSISTANCE

## SUBPART 1—REQUIREMENTS PAYMENTS

**§ 21001. Requirements payments****(a) In general**

The Commission shall make a requirements payment each year in an amount determined under section 21002 of this title to each State which meets the conditions described in section 21003 of this title for the year.

**(b) Use of funds****(1) In general**

Except as provided in paragraphs (2) and (3), a State receiving a requirements payment shall use the payment only to meet the requirements of subchapter III.

**(2) Other activities**

A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of subchapter III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 21002(c) of this title.

**(3) Activities under Uniformed and Overseas Citizens Absentee Voting Act**

A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 21007(a)(4) of this title only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20301 et seq.] imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.

**(c) Retroactive payments**

**(1) In general**

Notwithstanding any other provision of this part, including the maintenance of effort requirements of section 21004(a)(7) of this title, a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 21081 of this title if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

**(2) Special rule regarding multiyear contracts**

A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 21081 of this title that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 21004(a)(7) of this title shall be increased by the amount of the payment made with respect to such multiyear contract.

**(d) Adoption of Commission guidelines and guidance not required to receive payment**

Nothing in this subpart may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

**(e) Schedule of payments**

As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this subpart.

**(f) Limitation**

A State may not use any portion of a requirements payment—

- (1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this subpart; or
- (2) for the payment of any judgment.

(Pub. L. 107–252, title II, §251, Oct. 29, 2002, 116 Stat. 1692; Pub. L. 111–84, div. A, title V, §588(a), Oct. 28, 2009, 123 Stat. 2333.)

REFERENCES IN TEXT

Subchapter III, referred to in subsec. (b)(1), (2)(A), was in the original “title III”, meaning title III of Pub. L. 107–252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(3), is Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Military and Overseas Voter Empowerment Act, referred to in subsec. (b)(3), is subtitle H (§§575–589) of title V of div. A of Pub. L. 111–84, Oct. 28, 2009, 123 Stat. 2318. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15401 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111–84, §588(a)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (b)(3). Pub. L. 111–84, §588(a)(2), added par. (3).

**§ 21002. Allocation of funds**

**(a) In general**

Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

- (1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 21007 of this title; and
- (2) the State allocation percentage for the State (as determined under subsection (b)).

**(b) State allocation percentage defined**

The “State allocation percentage” for a State is the amount (expressed as a percentage) equal to the quotient of—

- (1) the voting age population of the State (as reported in the most recent decennial census); and
- (2) the total voting age population of all States (as reported in the most recent decennial census).

**(c) Minimum amount of payment**

The amount of a requirements payment made to a State for a year may not be less than—

- (1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under section 21007 of this title; or
- (2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

**(d) Pro rata reductions**

The Administrator<sup>1</sup> shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

<sup>1</sup> So in original. Probably should be “Commission”.



**(e) Continuing availability of funds after appropriation**

A requirements payment made to a State under this subpart shall be available to the State without fiscal year limitation.

(Pub. L. 107-252, title II, §252, Oct. 29, 2002, 116 Stat. 1693.)

**CODIFICATION**

Section was formerly classified to section 15402 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21003. Condition for receipt of funds**

**(a) In general**

A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: “\_\_\_\_\_ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.” (with the blank to be filled in with the name of the State involved).

**(b) State plan requirement; certification of compliance with applicable laws and requirements**

The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

(A) contains each of the elements described in section 21004(a) of this title (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 21007(a)(4) of this title, contains the element described in paragraph (14) of such section) with respect to the fiscal year;

(B) is developed in accordance with section 21005 of this title; and

(C) meets the public notice and comment requirements of section 21006 of this title.

(2)(A) Subject to subparagraph (B), the State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 21112 of this title (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 21005(b) and 21006 of this title shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appro-

priated pursuant to the authorization provided under section 21007(a)(4) of this title.

(3) The State is in compliance with each of the laws described in section 21145 of this title, as such laws apply with respect to this chapter.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of subchapter III—

(A) the State’s proposed uses of the requirements payment are not inconsistent with the requirements of subchapter III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 21001(b) of this title.

(5)(A) Subject to subparagraph (B), the State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 21001(c)(2) of this title, an additional amount equal to the amount of such reimbursement.

(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 21007(a)(4) of this title for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.

**(c) Methods of compliance left to discretion of State**

The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

**(d) Timing for filing of certification**

A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this part, the 30-day period) which begins on the date notice of the State plan under this part is published in the Federal Register pursuant to section 21005(b) of this title.

**(e) Chief State election official defined**

In this part, the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) [now 52 U.S.C. 20509] to be responsible for coordination of the State’s responsibilities under such Act.

(Pub. L. 107-252, title II, §253, Oct. 29, 2002, 116 Stat. 1693; Pub. L. 111-84, div. A, title V, §588(b)(1)(B)-(3), Oct. 28, 2009, 123 Stat. 2333; Pub. L. 112-74, div. C, title VI, §622(2), Dec. 23, 2011, 125 Stat. 927.)

## REFERENCES IN TEXT

Section 253(b) of the Help America Vote Act of 2002, referred to in subsec. (a), is classified to subsec. (b) of this section.

This chapter, referred to in subsec. (b)(3), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

Subchapter III, referred to in subsec. (b)(4), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

The National Voter Registration Act of 1993, referred to in subsec. (e), is Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which is classified principally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15403 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

## AMENDMENTS

2011—Subsec. (d). Pub. L. 112-74 inserted “notice of” before “the State plan”.

2009—Subsec. (b)(1)(A). Pub. L. 111-84, §588(b)(1)(B), substituted “section 15404(a) of this title (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 15407(a)(4) of this title, contains the element described in paragraph (14) of such section)” for “section 15404 of this title”.

Subsec. (b)(2). Pub. L. 111-84, §588(b)(2), designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), the State” for “The State”, and added subpar. (B).

Subsec. (b)(5). Pub. L. 111-84, §588(b)(3), designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), the State” for “The State”, and added subpar. (B).

**§ 21004. State plan****(a) In general**

The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of subchapter III, and, if applicable under section 21001(a)(2) of this title, to carry out other activities to improve the administration of elections.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education

and training, and poll worker training which will assist the State in meeting the requirements of subchapter III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 21081 of this title.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State’s activities under this subpart, including information on fund management.

(6) The State’s proposed budget for activities under this subpart, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of subchapter III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 21112 of this title.

(10) If the State received any payment under subchapter I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless notice of the change—

(A) is developed and published in the Federal Register in accordance with section 21005 of this title in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 21006 of this title in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date notice of the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this part during the previous

fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 21005 of this title and the procedures followed by the committee under such section and section 21006 of this title.

(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.

**(b) Requirements for election fund**

**(1) Election fund described**

For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this subpart.

(B) The requirements payment made to the State under this subpart.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

**(2) Use of fund**

Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this subpart.

**(3) Treatment of States that require changes to State law**

In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

**(c) Protection against actions based on information in plan**

**(1) In general**

No action may be brought under this chapter against a State or other jurisdiction on the basis of any information contained in the State plan filed under this subpart.

**(2) Exception for criminal acts**

Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

(Pub. L. 107-252, title II, §254, Oct. 29, 2002, 116 Stat. 1694; Pub. L. 111-84, div. A, title V, §588(b)(1)(A), Oct. 28, 2009, 123 Stat. 2333; Pub. L. 112-74, div. C, title VI, §622(3), (4), Dec. 23, 2011, 125 Stat. 927.)

REFERENCES IN TEXT

Subchapter III, referred to in subsec. (a)(1), (3), (6)(A), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified

principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

The Military and Overseas Voter Empowerment Act, referred to in subsec. (a)(14), is subtitle H (§§575-589) of title V of div. A of Pub. L. 111-84, Oct. 28, 2009, 123 Stat. 2318. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15404 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2011—Subsec. (a)(11). Pub. L. 112-74 inserted “notice of” before “the change” in introductory provisions and subpar. (C).

2009—Subsec. (a)(14). Pub. L. 111-84 added par. (14).

**§21005. Process for development and filing of plan; publication by Commission**

**(a) In general**

The chief State election official shall develop the State plan under this part through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

**(b) Publication of plan by Commission**

After receiving the State plan of a State under this part, the Commission shall cause to have the plan posted on the Commission’s website with a notice published in the Federal Register.

(Pub. L. 107-252, title II, §255, Oct. 29, 2002, 116 Stat. 1697; Pub. L. 112-74, div. C, title VI, §622(1), Dec. 23, 2011, 125 Stat. 926.)

CODIFICATION

Section was formerly classified to section 15405 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2011—Subsec. (b). Pub. L. 112-74 inserted “posted on the Commission’s website with a notice” after “cause to have the plan”.

**§21006. Requirement for public notice and comment**

For purposes of section 21001(a)(1)(C)<sup>1</sup> of this title, a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the

<sup>1</sup> See References in Text note below.

plan into account in preparing the plan which was filed with the Commission.

(Pub. L. 107-252, title II, §256, Oct. 29, 2002, 116 Stat. 1697.)

#### REFERENCES IN TEXT

Section 21001(a)(1)(C) of this title, referred to in text, probably should be a reference to section 21003(b)(1)(C) of this title because there is no subsec. (a)(1)(C) in section 21001 and subsec. (b)(1)(C) of section 21003 relates to public notice and comment requirements of section 21006 of this title.

#### CODIFICATION

Section was formerly classified to section 15406 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21007. Authorization of appropriations

#### (a) In general

In addition to amounts transferred under section 20904(c) of this title, there are authorized to be appropriated for requirements payments under this subpart the following amounts:

- (1) For fiscal year 2003, \$1,400,000,000.
- (2) For fiscal year 2004, \$1,000,000,000.
- (3) For fiscal year 2005, \$600,000,000.
- (4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 21001(b)(3) of this title.

#### (b) Availability

Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

(Pub. L. 107-252, title II, §257, Oct. 29, 2002, 116 Stat. 1697; Pub. L. 111-84, div. A, title V, §588(c), Oct. 28, 2009, 123 Stat. 2334.)

#### CODIFICATION

Section was formerly classified to section 15407 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84 added par. (4).

### § 21008. Reports

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this subpart, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

- (1) a list of expenditures made with respect to each category of activities described in section 21001(b) of this title;
- (2) the number and type of articles of voting equipment obtained with the funds; and
- (3) an analysis and description of the activities funded under this subpart to meet the requirements of this chapter and an analysis and description of how such activities conform to the State plan under section 21004 of this title.

(Pub. L. 107-252, title II, §258, Oct. 29, 2002, 116 Stat. 1697.)

#### REFERENCES IN TEXT

This chapter, referred to in par. (3), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002,

116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 15408 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### SUBPART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

### § 21021. Payments to States and units of local government to assure access for individuals with disabilities

#### (a) In general

The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 21023 of this title).

#### (b) Use of funds

An eligible State and eligible unit of local government shall use the payment received under this subpart for—

- (1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and
- (2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

#### (c) Schedule of payments

As soon as practicable after October 29, 2002 (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this subpart.

(Pub. L. 107-252, title II, §261, Oct. 29, 2002, 116 Stat. 1698.)

#### CODIFICATION

Section was formerly classified to section 15421 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21022. Amount of payment

#### (a) In general

The amount of a payment made to an eligible State or an eligible unit of local government for a year under this subpart shall be determined by the Secretary.

#### (b) Continuing availability of funds after appropriation

A payment made to an eligible State or eligible unit of local government under this subpart shall be available without fiscal year limitation.

(Pub. L. 107-252, title II, §262, Oct. 29, 2002, 116 Stat. 1698.)

#### CODIFICATION

Section was formerly classified to section 15422 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21023. Requirements for eligibility

#### (a) Application

Each State or unit of local government that desires to receive a payment under this subpart for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

#### (b) Contents of application

Each application submitted under subsection (a) shall—

- (1) describe the activities for which assistance under this section is sought; and
- (2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this subpart.

#### (c) Protection against actions based on information in application

##### (1) In general

No action may be brought under this chapter against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

##### (2) Exception for criminal acts

Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

(Pub. L. 107-252, title II, §263, Oct. 29, 2002, 116 Stat. 1698.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 15423 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21024. Authorization of appropriations

#### (a) In general

There are authorized to be appropriated to carry out the provisions of this subpart the following amounts:

- (1) For fiscal year 2003, \$50,000,000.
- (2) For fiscal year 2004, \$25,000,000.
- (3) For fiscal year 2005, \$25,000,000.

#### (b) Availability

Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

(Pub. L. 107-252, title II, §264, Oct. 29, 2002, 116 Stat. 1699.)

#### CODIFICATION

Section was formerly classified to section 15424 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21025. Reports

#### (a) Reports by recipients

Not later than the<sup>1</sup> 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this subpart, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 21021(b) of this title.

#### (b) Report by Secretary to Committees

With respect to each fiscal year for which the Secretary makes payments under this subpart, the Secretary shall submit a report on the activities carried out under this subpart to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(Pub. L. 107-252, title II, §265, Oct. 29, 2002, 116 Stat. 1699.)

#### CODIFICATION

Section was formerly classified to section 15425 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### SUBPART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

### § 21041. Grants for research on voting technology improvements

#### (a) In general

The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

#### (b) Eligibility

An entity is eligible to receive a grant under this subpart if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

- (1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 [52 U.S.C. 10301 et seq.]); and
- (2) such other information and certifications as the Commission may require.

#### (c) Applicability of regulations governing patent rights in inventions made with Federal assistance

Any invention made by the recipient of a grant under this subpart using funds provided under this subpart shall be subject to chapter 18

<sup>1</sup> So in original.

of title 35 (relating to patent rights in inventions made with Federal assistance).

**(d) Recommendation of topics for research**

**(1) In general**

The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the “Director”) shall submit to the Commission an annual list of the Director’s suggestions for issues which may be the subject of research funded with grants awarded under this subpart during the year.

**(2) Review of grant applications received by Commission**

The Commission shall submit each application it receives for a grant under this subpart to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

**(3) Monitoring and adjustment of grant activities at request of Commission**

After the Commission has awarded a grant under this subpart, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

**(4) Evaluation of grants at request of Commission**

**(A) In general**

In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

**(B) Inclusion in reports**

The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 20927 of this title.

**(e) Provision of information on projects**

The Commission may provide to the Technical Guidelines Development Committee under subpart 3 of part A of this subchapter such information regarding the activities funded under this subpart as the Commission deems necessary to assist the Committee in carrying out its duties.

(Pub. L. 107–252, title II, § 271, Oct. 29, 2002, 116 Stat. 1699.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89–110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15441 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21042. Report**

**(a) In general**

Each entity which receives a grant under this subpart shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

**(b) Deadline**

An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

(Pub. L. 107–252, title II, § 272, Oct. 29, 2002, 116 Stat. 1700.)

CODIFICATION

Section was formerly classified to section 15442 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21043. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated for grants under this subpart \$20,000,000 for fiscal year 2003.

**(b) Availability of funds**

Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

(Pub. L. 107–252, title II, § 273, Oct. 29, 2002, 116 Stat. 1700.)

CODIFICATION

Section was formerly classified to section 15443 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBPART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

**§ 21051. Pilot program**

**(a) In general**

The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

**(b) Eligibility**

An entity is eligible to receive a grant under this subpart if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 [52 U.S.C. 10301 et seq.] and the requirements of this chapter); and

(2) such other information and certifications as the Commission may require.

**(c) Recommendation of topics for pilot programs**

**(1) In general**

The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the “Director”) shall submit to the Commission an annual list of the Director’s suggestions for issues which may be the subject of pilot programs funded with grants awarded under this subpart during the year.

**(2) Review of grant applications received by Commission**

The Commission shall submit each application it receives for a grant under this subpart to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

**(3) Monitoring and adjustment of grant activities at request of Commission**

After the Commission has awarded a grant under this subpart, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

**(4) Evaluation of grants at request of Commission**

**(A) In general**

In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

**(B) Inclusion in reports**

The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 20927 of this title.

**(d) Provision of information on projects**

The Commission may provide to the Technical Guidelines Development Committee under subpart 3 of part A of this subchapter such information regarding the activities funded under this subpart as the Commission deems necessary to assist the Committee in carrying out its duties.

(Pub. L. 107-252, title II, § 281, Oct. 29, 2002, 116 Stat. 1701.)

REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (b)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chap-

ter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15451 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21052. Report**

**(a) In general**

Each entity which receives a grant under this subpart shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

**(b) Deadline**

An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

(Pub. L. 107-252, title II, § 282, Oct. 29, 2002, 116 Stat. 1702.)

CODIFICATION

Section was formerly classified to section 15452 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21053. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated for grants under this subpart \$10,000,000 for fiscal year 2003.

**(b) Availability of funds**

Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

(Pub. L. 107-252, title II, § 283, Oct. 29, 2002, 116 Stat. 1702.)

CODIFICATION

Section was formerly classified to section 15453 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBPART 5—PROTECTION AND ADVOCACY SYSTEMS

**§ 21061. Payments for protection and advocacy systems**

**(a) In general**

In addition to any other payments made under this part, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

**(b) Minimum grant amount**

The minimum amount of each grant to a protection and advocacy system shall be deter-

mined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 794e of title 29, except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than \$70,000 and \$35,000, respectively.

**(c) Training and technical assistance program**

**(1) In general**

Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 21062 of this title, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

**(2) Use of funds**

A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least one of the recipients under this subsection shall use the payment to provide training and technical assistance for non-visual access.

**(3) Eligibility**

An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(Pub. L. 107–252, title II, § 291, Oct. 29, 2002, 116 Stat. 1702.)

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (a), is Pub. L. 106–402, Oct. 30, 2000, 114 Stat. 1677. Subtitle C of title I of the Act is classified generally to part C (§15041 et seq.) of subchapter I of chapter 144 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 15461 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21062. Authorization of appropriations**

**(a) In general**

In addition to any other amounts authorized to be appropriated under this part, there are authorized to be appropriated \$10,000,000 for each of

the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 21061(a) of this title; except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

**(b) Availability**

Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

(Pub. L. 107–252, title II, § 292, Oct. 29, 2002, 116 Stat. 1703.)

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (a), is Pub. L. 106–402, Oct. 30, 2000, 114 Stat. 1677. Subtitle C of title I of the Act is classified generally to part C (§15041 et seq.) of subchapter I of chapter 144 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 15462 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBPART 6—NATIONAL STUDENT AND PARENT  
MOCK ELECTION

**§ 21071. National Student and Parent Mock Election**

**(a) In general**

The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an “issues forum”;

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.



**(b) Requirement**

The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

(Pub. L. 107-252, title II, §295, Oct. 29, 2002, 116 Stat. 1703.)

## CODIFICATION

Section was formerly classified to section 15471 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21072. Authorization of appropriations**

There are authorized to be appropriated to carry out the provisions of this part \$200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

(Pub. L. 107-252, title II, §296, Oct. 29, 2002, 116 Stat. 1704.)

## CODIFICATION

Section was formerly classified to section 15472 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

# SUBCHAPTER III—UNIFORM AND NON-DISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

## PART A—REQUIREMENTS

**§ 21081. Voting systems standards****(a) Requirements**

Each voting system used in an election for Federal office shall meet the following requirements:

**(1) In general**

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office—

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in bal-

lots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

**(2) Audit capacity****(A) In general**

The voting system shall produce a record with an audit capacity for such system.

**(B) Manual audit capacity**

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

**(3) Accessibility for individuals with disabilities**

The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under subchapter II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

**(4) Alternative language accessibility**

The voting system shall provide alternative language accessibility pursuant to the requirements of section 10503 of this title.

**(5) Error rates**

The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on October 29, 2002.

**(6) Uniform definition of what constitutes a vote**

Each State shall adopt uniform and non-discriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

**(b) Voting system defined**

In this section, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

- (A) to define ballots;
- (B) to cast and count votes;
- (C) to report or display election results; and
- (D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

- (A) to identify system components and versions of such components;
- (B) to test the system during its development and maintenance;
- (C) to maintain records of system errors and defects;
- (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

**(c) Construction**

**(1) In general**

Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

**(2) Protection of paper ballot voting systems**

For purposes of subsection (a)(1)(A)(i), the term “verify” may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

**(d) Effective date**

Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

(Pub. L. 107-252, title III, § 301, Oct. 29, 2002, 116 Stat. 1704.)

**CODIFICATION**

Section was formerly classified to section 15481 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21082. Provisional voting and voting information requirements**

**(a) Provisional voting requirements**

If an individual declares that such individual is a registered voter in the jurisdiction in which

the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

- (A) a registered voter in the jurisdiction in which the individual desires to vote; and
- (B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual’s provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 20503(b) of this title may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

**(b) Voting information requirements**

**(1) Public posting on election day**

The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

**(2) Voting information defined**

In this section, the term “voting information” means—

- (A) a sample version of the ballot that will be used for that election;
- (B) information regarding the date of the election and the hours during which polling places will be open;
- (C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- (D) instructions for mail-in registrants and first-time voters under section 21083(b) of this title;
- (E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- (F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

**(c) Voters who vote after the polls close**

Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

**(d) Effective date for provisional voting and voting information**

Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

(Pub. L. 107-252, title III, §302, Oct. 29, 2002, 116 Stat. 1706.)

## CODIFICATION

Section was formerly classified to section 15482 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21083. Computerized statewide voter registration list requirements and requirements for voters who register by mail****(a) Computerized statewide voter registration list requirements****(1) Implementation****(A) In general**

Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this

subsection referred to as the “computerized list”), and includes the following:

- (i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- (ii) The computerized list contains the name and registration information of every legally registered voter in the State.
- (iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.
- (iv) The computerized list shall be coordinated with other agency databases within the State.
- (v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- (vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
- (vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).
- (viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

**(B) Exception**

The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after October 29, 2002, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

**(2) Computerized list maintenance****(A) In general**

The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

- (i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.], including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6) [now 52 U.S.C. 20507].
- (ii) For purposes of removing names of ineligible voters from the official list of eligible voters—
  - (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)) [now 52 U.S.C. 20507(a)(3)(B)], the State shall coordinate the computerized list with State agency records on felony status; and
  - (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)) [now 52

U.S.C. 20507(a)(4)(A)], the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) [now 52 U.S.C. 20503(b)], that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

**(B) Conduct**

The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

- (i) the name of each registered voter appears in the computerized list;
- (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and
- (iii) duplicate names are eliminated from the computerized list.

**(3) Technological security of computerized list**

The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

**(4) Minimum standard for accuracy of State voter registration records**

The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.], registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

**(5) Verification of voter registration information**

**(A) Requiring provision of certain information by applicants**

**(i) In general**

Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
- (II) in the case of any other applicant (other than an applicant to whom clause

(ii) applies), the last 4 digits of the applicant's social security number.

**(ii) Special rule for applicants without driver's license or social security number**

If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

**(iii) Determination of validity of numbers provided**

The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

**(B) Requirements for State officials**

**(i) Sharing information in databases**

The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

**(ii) Agreements with Commissioner of Social Security**

The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 405(r)(8) of title 42 (as added by subparagraph (C)).

**(C) Omitted**

**(D) Special rule for certain States**

In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

**(b) Requirements for voters who register by mail**

**(1) In general**

Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) [now 52 U.S.C. 20505(c)] and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

- (A) the individual registered to vote in a jurisdiction by mail; and
- (B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

**(2) Requirements**

**(A) In general**

An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

**(B) Fail-safe voting**

**(i) In person**

An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 21082(a) of this title.

**(ii) By mail**

An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 21082(a) of this title.

**(3) Inapplicability**

Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) [now 52 U.S.C. 20505] and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) [now 52 U.S.C. 20505] and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information

submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20301 et seq.];

(ii) provided the right to vote otherwise than in person under section 20102(b)(2)(B)(ii) of this title; or

(iii) entitled to vote otherwise than in person under any other Federal law.

**(4) Contents of mail-in registration form**

**(A) In general**

The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) [now 52 U.S.C. 20505] shall include the following:

(i) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement “If you checked ‘no’ in response to either of these questions, do not complete this form.”

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

**(B) Incomplete forms**

If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

**(5) Construction**

Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.] before October 29, 2002, to comply with such a provision after October 29, 2002.

**(c) Permitted use of last 4 digits of social security numbers**

The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

**(d) Effective date****(1) Computerized statewide voter registration list requirements****(A) In general**

Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

**(B) Waiver**

If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to “January 1, 2004” were a reference to “January 1, 2006”.

**(2) Requirement for voters who register by mail****(A) In general**

Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

**(B) Applicability with respect to individuals**

The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

(Pub. L. 107-252, title III, §303, Oct. 29, 2002, 116 Stat. 1708.)

## REFERENCES IN TEXT

The National Voter Registration Act of 1993, referred to in subsecs. (a)(2)(A)(i), (4)(A) and (b)(5), is Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which is classified principally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Section 7 of the Privacy Act of 1974, referred to in subsecs. (a)(5)(D) and (c), is section 7 of Pub. L. 93-579, which is set out as a note under section 552a of Title 5, Government Organization and Employees.

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(3)(C)(i), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15483 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 303 of Pub. L. 107-252. Subsec. (a)(5)(C) of section 303 of Pub. L. 107-252 amended section 405 of Title 42, The Public Health and Welfare.

**§ 21084. Minimum requirements**

The requirements established by this subchapter are minimum requirements and nothing in this subchapter shall be construed to prevent a State from establishing election technology and administration requirements that are more

strict than the requirements established under this subchapter so long as such State requirements are not inconsistent with the Federal requirements under this subchapter or any law described in section 21145 of this title.

(Pub. L. 107-252, title III, §304, Oct. 29, 2002, 116 Stat. 1714.)

## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15484 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21085. Methods of implementation left to discretion of State**

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.

(Pub. L. 107-252, title III, §305, Oct. 29, 2002, 116 Stat. 1714.)

## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15485 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## PART B—VOLUNTARY GUIDANCE

**§ 21101. Adoption of voluntary guidance by Commission****(a) In general**

To assist States in meeting the requirements of part A of this subchapter, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 21102 of this title.

**(b) Deadlines**

The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 21081 of this title, January 1, 2004;

(2) in the case of the recommendations with respect to section 21082 of this title, October 1, 2003; and

(3) in the case of the recommendations with respect to section 21083 of this title, October 1, 2003.

**(c) Quadrennial update**

The Commission shall review and update recommendations adopted with respect to section 21081 of this title no less frequently than once every 4 years.

(Pub. L. 107-252, title III, §311, Oct. 29, 2002, 116 Stat. 1715.)

## CODIFICATION

Section was formerly classified to section 15501 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21102. Process for adoption**

The adoption of the voluntary guidance under this part shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed recommendations in the Federal Register.
- (2) An opportunity for public comment on the proposed recommendations.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final recommendations in the Federal Register.

(Pub. L. 107-252, title III, §312, Oct. 29, 2002, 116 Stat. 1715.)

## CODIFICATION

Section was formerly classified to section 15502 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## SUBCHAPTER IV—ENFORCEMENT

**§ 21111. Actions by the Attorney General for declaratory and injunctive relief**

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and non-discriminatory election technology and administration requirements under sections 21081, 21082, and 21083 of this title.

(Pub. L. 107-252, title IV, §401, Oct. 29, 2002, 116 Stat. 1715.)

## CODIFICATION

Section was formerly classified to section 15511 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21112. Establishment of State-based administrative complaint procedures to remedy grievances****(a) Establishment of State-based administrative complaint procedures to remedy grievances****(1) Establishment of procedures as condition of receiving funds**

If a State receives any payment under a program under this chapter, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

**(2) Requirements for procedures**

The requirements of this paragraph are as follows:

- (A) The procedures shall be uniform and nondiscriminatory.
- (B) Under the procedures, any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

**(b) Requiring Attorney General approval of compliance plan for States not receiving funds****(1) In general**

Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this chapter; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of subchapter III.

**(2) States without approved plan deemed out of compliance**

A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of subchapter III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

**(3) Nonparticipating State defined**

In this section, a “nonparticipating State” is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this chapter of its intent to participate in, and receive funds under, the program.

(Pub. L. 107-252, title IV, §402, Oct. 29, 2002, 116 Stat. 1715.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b)(1)(A), (3), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified

principally to this chapter. For complete classification of this Act to the Code, see Tables.

Subchapter III, referred to in subsecs. (a)(2)(B), (F) and (b)(1)(B), (2), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 15512 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### SUBCHAPTER V—HELP AMERICA VOTE COLLEGE PROGRAM

#### § 21121. Establishment of program

##### (a) In general

Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the “Help America Vote College Program” (hereafter in this subchapter referred to as the “Program”).

##### (b) Purposes of Program

The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

(Pub. L. 107-252, title V, §501, Oct. 29, 2002, 116 Stat. 1717.)

#### CODIFICATION

Section was formerly classified to section 15521 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 21122. Activities under Program

##### (a) In general

In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 21121(b) of this title.

##### (b) Requirements for grant recipients

In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

##### (c) Coordination with institutions of higher education

The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assist-

ance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(Pub. L. 107-252, title V, §502, Oct. 29, 2002, 116 Stat. 1717.)

#### CODIFICATION

Section was formerly classified to section 15522 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 21123. Authorization of appropriations

In addition to any funds authorized to be appropriated to the Commission under section 20930 of this title, there are authorized to be appropriated to carry out this subchapter—

- (1) \$5,000,000 for fiscal year 2003; and
- (2) such sums as may be necessary for each succeeding fiscal year.

(Pub. L. 107-252, title V, §503, Oct. 29, 2002, 116 Stat. 1717.)

#### CODIFICATION

Section was formerly classified to section 15523 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### SUBCHAPTER VI—TRANSFER TO COMMISSION OF FUNCTIONS UNDER CERTAIN LAWS

#### § 21131. Transfer of functions of Office of Election Administration of Federal Election Commission

There are transferred to the Election Assistance Commission established under section 20921 of this title all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before October 29, 2002.

(Pub. L. 107-252, title VIII, §801(a), Oct. 29, 2002, 116 Stat. 1725.)

#### CODIFICATION

Section was formerly classified to section 15531 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 21132. Transfer of functions

There are transferred to the Election Assistance Commission established under section 20921 of this title all functions which the Federal Election Commission exercised under section 20508(a) of this title before October 29, 2002.

(Pub. L. 107-252, title VIII, §802(a), Oct. 29, 2002, 116 Stat. 1726.)

#### CODIFICATION

Section was formerly classified to section 15532 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 21133. Transfer of property, records, and personnel

##### (a) Property and records

The contracts, liabilities, records, property, and other assets and interests of, or made avail-



able in connection with, the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission for appropriate allocation.

**(b) Personnel**

**(1) In general**

The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission.

**(2) Effect**

Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on October 29, 2002.

(Pub. L. 107-252, title VIII, § 803, Oct. 29, 2002, 116 Stat. 1726.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§ 801-804) of title VIII of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1725. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15533 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21134. Effective date; transition**

**(a) Effective date**

This subchapter and the amendments made by this subchapter shall take effect upon the appointment of all members of the Election Assistance Commission under section 20923 of this title.

**(b) Transition**

With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this subchapter or the amendments made by this subchapter for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

**(c) No effect on authorities of Office of Election Administration prior to appointment of members of Commission**

During the period which begins on October 29, 2002, and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of October 29, 2002.

(Pub. L. 107-252, title VIII, § 804, Oct. 29, 2002, 116 Stat. 1726.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this title”, meaning title VIII of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1725. For complete classification of title VIII to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15534 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**SUBCHAPTER VII—MISCELLANEOUS PROVISIONS**

**§ 21141. “State” defined**

In this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

(Pub. L. 107-252, title IX, § 901, Oct. 29, 2002, 116 Stat. 1727.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15541 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21142. Audits and repayment of funds**

**(a) Recordkeeping requirement**

Each recipient of a grant or other payment made under this chapter shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

**(b) Audits and examinations**

**(1) Audits and examinations**

Except as provided in paragraph (4), each office making a grant or other payment under this chapter, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

**(2) Recipients of assistance subject to provisions of section**

The provisions of this section shall apply to all recipients of grants or other payments under this chapter, whether by direct grant, cooperative agreement, or contract under this chapter or by subgrant or subcontract from primary grantees or contractors under this chapter.

**(3) Special rule for payments by General Services Administration**

With respect to any grant or payment made under this chapter by the Administrator of

General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

**(4) Special rule**

In the case of grants or payments made under section 21001 of this title, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

**(5) Special rules for audits by the Commission**

In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

**(c) Recoupment of funds**

If the Comptroller General determines as a result of an audit conducted under subsection (b) prior to November 26, 2014, that—

(1) a recipient of funds under this chapter is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

(Pub. L. 107-252, title IX, §902, Oct. 29, 2002, 116 Stat. 1727; Pub. L. 113-188, title IX, §901(c), Nov. 26, 2014, 128 Stat. 2020.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1) to (3), and (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15542 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2014—Subsec. (b)(1). Pub. L. 113-188, §901(c)(1)(A), substituted “paragraph (4)” for “paragraph (5)”.

Subsec. (b)(3) to (6). Pub. L. 113-188, §901(c)(1)(B), (C), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3). Prior to amendment, text of par. (3) read as follows: “In addition to audits conducted pursuant to paragraph (1), all funds provided under this chapter shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).”

Subsec. (c). Pub. L. 113-188, §901(c)(2), inserted “prior to November 26, 2014,” after “subsection (b)” in introductory provisions.

**§ 21143. Review and report on adequacy of existing electoral fraud statutes and penalties**

**(a) Review**

The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

**(b) Report**

The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

(Pub. L. 107-252, title IX, §904, Oct. 29, 2002, 116 Stat. 1729.)

CODIFICATION

Section was formerly classified to section 15543 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21144. Other criminal penalties**

**(a) Conspiracy to deprive voters of a fair election**

Any individual who knowingly and willfully gives false information in registering or voting in violation of section 10307(c) of this title, or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

**(b) False information in registering and voting**

Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18 shall be fined or imprisoned, or both, in accordance with such section.

(Pub. L. 107-252, title IX, §905, Oct. 29, 2002, 116 Stat. 1729.)

CODIFICATION

Section was formerly classified to section 15544 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21145. No effect on other laws**

**(a) In general**

Except as specifically provided in section 21083(b) of this title with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.], nothing in this chapter may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) [now 52 U.S.C. 20101 et seq.].

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) [now 52 U.S.C. 20301 et seq.].

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.].

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

**(b) No effect on preclearance or other requirements under Voting Rights Act**

The approval by the Administrator or the Commission of a payment or grant application under subchapter I or subchapter II, or any other action taken by the Commission or a State under such subchapter, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) [now 52 U.S.C. 10304] or any other requirements of such Act [52 U.S.C. 10301 et seq.].

(Pub. L. 107-252, title IX, §906, Oct. 29, 2002, 116 Stat. 1729.)

REFERENCES IN TEXT

The National Voter Registration Act of 1993, referred to in subsec. (a), is Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which is classified principally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

The Voting Rights Act of 1965, referred to in subsecs. (a)(1) and (b), is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Voting Accessibility for the Elderly and Handicapped Act, referred to in subsec. (a)(2), is Pub. L. 98-435, Sept. 28, 1984, 98 Stat. 1678, which is classified generally to chapter 201 (§20101 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (a)(3), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(5), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(6), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

CODIFICATION

Section was formerly classified to section 15545 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**Subtitle III—Federal Campaign Finance**

**CHAPTER 301—FEDERAL ELECTION CAMPAIGNS**

**SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS**

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**SUBCHAPTER II—GENERAL PROVISIONS**

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**SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS**

**§ 30101. Definitions**

When used in this Act:

(1) The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term “candidate” means an individual who seeks nomination for election, or election,